

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)
ARM 32.3.106, 32.3.108, 32.3.206,)
32.3.212, 32.3.224, 32.3.302,)
32.3.306, 32.3.311, 32.3.312,)
32.3.401, 32.3.411, 32.3.412,)
32.3.456, 32.3.608, 32.3.611,)
32.3.1307, 32.3.1402, 32.3.2303)
32.4.101, 32.4.201, 32.4.301,)
32.4.302, 32.4.401 through 32.4.404,)
32.4.501 32.4.502, 32.6.601,)
32.6.602, 32.4.701, 32.4.702,)
32.8.801, 32.8.802, 32.9.901,)
32.4.1301 through 1304, 32.4.1309,)
32.4.1311 through 32.4.1313,)
32.4.1319, 32.4.1320, 32.15.203,)
32.15.208, 32.15.210 pertaining to)
game farm regulations and deputy)
state veterinarians)

NOTICE OF PROPOSED
AMENDMENT AND ADOPTION

NO PUBLIC HEARING
CONTEMPLATED

TO: All Concerned Persons

1. On ____ 2010, the Department of Livestock proposes to amend and adopt the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on ____, 2010 to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

32.3.106 QUARANTINE - WHO MAY ISSUE (1) Any licensed deputy state veterinarian or any authorized quarantine agent of the Department of Livestock may issue a quarantine.

32.3.108 QUARANTINE AND RELEASE OF QUARANTINE (1) through (6) remain the same.

(7) Quarantine may be removed by or with the approval of the deputy state

veterinarian issuing the quarantine or by any authorized quarantine agent of the Department of Livestock when he is satisfied that, according to generally accepted veterinary practice, the animals are not affected with or have not been directly exposed to a quarantinable disease.

32.3.206 OFFICIAL HEALTH CERTIFICATE (1) and (2) remain the same.

(3) The accredited veterinarian issuing the health certificate must certify that the animals shown thereon are free from evidence of any infectious, contagious, or communicable disease or known exposure thereto.

(4) remains the same.

32.3.212 ADDITIONAL REQUIREMENTS FOR CATTLE (1) Except as provided in (a), (b), (c) and (d) no female cattle over the age of four months may be imported into the state of Montana for any purpose other than immediate slaughter unless they are officially vaccinated, by an ~~an-licensed~~ accredited veterinarian approved in his or her state to administer the vaccination, with a brucella abortus vaccine approved by the Veterinary Biologics Division, U.S. Department of Agriculture except as follows:

(a) through (3) remain the same.

32.3.224 BISON (1) through (b) remain the same.

(c) female bison must be officially calfhood vaccinated by an ~~accredited~~ deputy state veterinarian prior to entry into Montana, with a Brucella abortus vaccine approved by the administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture except the following:

(i) and (ii) remain the same.

(iii) nonvaccinated bison four to 11 months of age placed under quarantine upon arrival, for official calfhood vaccination or spaying by an ~~accredited~~ deputy state veterinarian, within 30 days of their entry;

(iv) nonvaccinated bison less than four months of age, imported without their dams, placed under quarantine upon arrival, for official calfhood vaccination or spaying by an ~~accredited~~ deputy state veterinarian, within six months of their entry; and

(v) and (d) remain the same.

32.3.302 REPORTING OF PSEUDORABIES (1) Any swine producer or person in custody of swine who has reason to suspect the presence of pseudorabies infection shall report that fact immediately to the state veterinarian or a practicing ~~accredited~~ deputy state veterinarian of his choice.

(2) An ~~accredited~~ deputy state veterinarian who suspects or has reason to suspect the presence of pseudorabies in Montana swine shall immediately report the particulars to the state veterinarian's office by the fastest means possible.

32.3.306 USE OF PSEUDORABIES VACCINE (1) and (2) remain the same.

(3) The use of pseudorabies vaccine in Montana is prohibited, except when

used under the official supervision of a licensed ~~accredited~~ deputy state veterinarian by persons approved by the state veterinarian with:

(a) through (4) remain the same.

32.3.311 PROCEDURE UPON DETECTION OF PSEUDORABIES

(1) remains the same.

(2) Upon request of the owner of the infected herd, the investigation in paragraph (1) may be conducted with assistance and participation of a ~~licensed~~ deputy state veterinarian selected and paid for by the owner.

(3) remains the same.

32.3.312 MEMORANDUM OF UNDERSTANDING (1) through (1)(b) remain the same.

(c) The owner may select, at his expense, a ~~licensed~~ deputy state veterinarian to participate in the preparation of the memorandum and eradication plan.

(d) through (4) remain the same.

32.3.401 DEFINITIONS (1) through (5)(b) remain the same.

(c) All official tests used for qualifying rams for interstate shipment must be done by a ~~licensed~~ deputy state veterinarian. The blood samples must be submitted to an approved laboratory for testing. Individual identification of tested rams must be recorded and accompany the blood samples to the laboratory. Costs for veterinary service and laboratory test fees are to be borne by the owner.

32.3.411 PROCEDURE UPON DETECTION OF BRUCELLOSIS

(1) Immediately upon quarantine of a herd for brucellosis a ~~district~~ deputy state veterinarian shall conduct an epidemiological investigation of the infected herd and premises involved to determine the specific methods and actions necessary to eradicate the disease from the herd and to determine contact herds and animals.

(2) Upon request of the owner of the infected herd, the investigation provided for in (1) of this rule may be conducted with the assistance and participation of a ~~licensed~~ deputy state veterinarian selected and paid for by the owner.

(3) and (4) remain the same.

32.3.412 MEMORANDUM OF UNDERSTANDING (1) through (c) remain the same.

(2) This memorandum of understanding will be developed with the participation of a ~~licensed~~ deputy state veterinarian selected by the owner if the owner so desires.

(3) and (4) remain the same.

32.3.456 REPORTING OF DEATH LOSS (1) Within seven days after discovery of the death of an animal belonging to a herd quarantined for brucellosis, the owner or his agent shall notify the ~~district~~ Department of Livestock veterinarian supervising the quarantine of the fact of the death and supply him with the eartag

numbers of the quarantined dead animal or animals.

32.3.608 REPORTING DEATH OF ANIMAL FROM A TUBERCULOSIS QUARANTINED HERD (1) The owner or his agent-in-charge shall report in writing to the state veterinarian the death of any quarantined animal. All man-made identification shall be salvaged and turned over to the ~~regulatory~~ state veterinarian in charge of the herd.

32.3.611 DUTIES OF VETERINARIANS AND MEAT INSPECTORS UPON FINDING TUBERCULOSIS LESIONS IN ANIMALS

(1) Deputy state ~~V~~veterinarians and meat inspectors who detect suspected tuberculosis lesions in animals shall take possession of the hide from that animal.
(2) and (3) remain the same.

32.3.1307 SAMPLE COLLECTION (1) The owner of the flock or his or her agent will have an ~~accredited~~ deputy state veterinarian collect and submit tissues from animals reported pursuant to 9 CFR 79.2 at paragraph (a)(2)(ii) to an APHIS designated laboratory.

32.3.1402 BLOOD TESTING PROCEDURES (1) Equine blood samples collected for official EIA tests shall be collected by a state or federal animal health official or a deputy state veterinarian who is licensed, deputized and accredited in the state in which the animal being tested is located.

(2) Official EIA test samples shall be accompanied to the testing laboratory by a completed official EIA test report form. The deputy state veterinarian or animal health official collecting the EIA test samples shall record the date the samples were collected and affix his/her signature to the official EIA test report.

(3) remains the same.

32.3.2303 DIAGNOSTIC TESTS (1) remains the same.

(2) Each report of a diagnostic test must be signed by the licensed veterinarian obtaining the blood and making a diagnostic test, and shall contain a complete statement of identification by means of eartag numbers, registration numbers, tattoo numbers, holding brands, or other acceptable identification; also the name and address of the owner and actual results of the test and action taken.

32.4.101 DEFINITIONS remains the same.

(1) "Alternative livestock veterinarian" means a deputy state veterinarian who has been trained and approved by the department to perform regulatory work on ~~game farm animals~~ alternative livestock.

(2) "Bill of sale" means the ~~game farm~~ alternative livestock invoice and bill of sale form utilized by the Department of Livestock to document the valid transfer of ownership of ~~game farm animals~~ alternative livestock.

(3) "Catch pen" means a fenced enclosure used in conjunction with the handling facility to hold ~~game farm animals~~ alternative livestock for individual inspection, marking or treatment.

(4) "Certificate of veterinary inspection" means the Department of Livestock inspection certificate form designed to fulfill the requirements of a certificate of inspection under ARM 32.18.201, and conforming to the requirements of the health certificate under ARM 32.3.206, for the inspection of ~~game farm animals~~ alternative livestock. The form must include the number, species, age, sex, individual animal identification, owner, ~~game~~ alternative livestock farm information and the reason for the inspection.

(5) through (10) remain the same.

(11) "Emergency" means a sudden unexpected medical condition demanding immediate medical care not available on the ~~game~~ alternative livestock farm whereby if medical treatment is not obtained immediately, the animal may die.

(12) "Game farm" means the enclosed land area upon which ~~game farm animals~~ alternative livestock may be kept, as defined by 87-4-406(3), MCA.

(13) "~~Game farm animal~~ alternative livestock" means the animals defined as ~~game farm animals~~ alternative livestock and cloven hoofed ungulates in 87-4-406, MCA except domestic water buffalo (*Bubalus bubalis*).

(14) "Game parts" means parts of a ~~game farm animal~~ alternative livestock carcass that may be taken from an ~~game~~ alternative livestock farm in accordance with the provisions of 87-4-415 and 87-4-416, MCA. Game parts does not include the regenerable parts harvested annually from ~~game farm animals~~ alternative livestock.

(15) remains the same.

(16) "Handling device" means a mechanical structure or animal restraining device (such as a squeeze chute) that facilitates inspection and handling of individual ~~game farm animals~~ alternative livestock.

(17) and (18) remain the same.

(19) "Herd tattoo" means the recorded whole herd mark or brand required by 81-3-104, MCA for ~~game farm animal~~ alternative livestock identification.

(20) and (21) remain the same.

(22) "Montana official ear tag" means a ~~game farm animal~~ alternative livestock identification tag provided by the Department of Livestock that meets the requirements of 87-4-414(4), MCA.

(23) remains the same.

(24) "~~Prohibited game farm animals~~ alternative livestock" means animals that are prohibited from importation for purposes of ~~game~~ alternative livestock farming pursuant to 87-4-424, MCA.

(25) "Quarantine facility" means a department approved enclosure, separate from the catch pen and handling device, used to isolate newly acquired or diseased ~~game farm animals~~ alternative livestock.

(26) "~~Restricted game farm animals~~ alternative livestock" means animal species, subspecies and their hybrids subject to specific importation restrictions.

(27) and (28) remain the same.

(29) "Transfer" means the change in ownership interest or any part of an ownership interest in a ~~game farm animal~~ alternative livestock.

(30) "Transportation" means the movement of a ~~game farm animal~~ alternative livestock to or from a licensed ~~game~~ alternative livestock farm to another

licensed ~~game~~ alternative livestock farm, a market or any other approved destination.

(31) remains the same.

(32) "Whole herd mark" means an artificial mark or brand recorded by the department for the exclusive sole use of the individual in whose name the mark or brand is recorded. The whole herd mark assigned by the department for ~~game farm animals~~ alternative livestock is the herd tattoo.

32.4.201 IDENTIFICATION OF ~~GAME FARM ANIMALS~~ ALTERNATIVE LIVESTOCK WITH THE EXCLUSION OF OMNIVORES AND CARNIVORES

(1) ~~Game farm animals~~ Alternative livestock owned or transferred to any ~~game~~ alternative livestock farm within the state of Montana must be individually identified by the method prescribed by the department.

(2) Every ~~game farm animal~~ alternative livestock must be marked with a whole herd mark (herd tattoo) registered to the ~~game~~ alternative livestock farm animal owner and placed in the location on the animal identified by the department's recorder of marks and brands.

(a) The herd tattoo placed in an animal born on or imported to the ~~game~~ alternative livestock farm shall be that of the owner of the animal and is recognized as the original tattoo.

(b) and (c) remain the same.

(3) Under the authority of 87-4-414, MCA, each ~~game farm animal~~ alternative livestock will be marked with a Montana official ear tag issued by the department.

(a) remains the same.

(b) USDA official ear tags and Montana official ear tags are non-transferable and can only be removed from an ~~game farm~~ alternative livestock animal by a department designated agent.

(c) Montana official ear tags that are lost from an ~~game farm animal~~ alternative livestock must be surrendered to a department designated agent or the department as soon as possible after the retrieval of the tag.

(d) All animal identification tags retrieved from ~~game farm animals~~ alternative livestock by the department designated agent shall be submitted to the department Helena office.

(4) and (5) remain the same.

32.4.301 INSPECTION OF ~~GAME FARM ANIMALS~~ ALTERNATIVE LIVESTOCK

(1) Prior to the sale, transfer of ownership, or transportation of a live animal from a licensed ~~game~~ alternative livestock farm, with the exclusion of omnivores and carnivores, the animal must be inspected by the department designated agent with the following exceptions:

(a) The department may waive the inspection if the sale or transfer of ownership of the ~~game farm~~ alternative livestock animals is between members of the same family and if no change in location of the animals occurs;

(b) ~~Game farm animals~~ Alternative livestock may be moved without inspection between ~~game~~ alternative livestock farm properties under one license;

- (c) through (i) remain the same
- (ii) An inspection must be completed by a designated agent of the department prior to movement from the vet clinic and return to the game alternative livestock farm; and
- (iii) Any untagged and untattooed ~~game farm animal~~ alternative livestock must be tagged and marked in compliance with 87-4-414, MCA and 81-3-102, MCA prior to return to the game alternative livestock farm; and
- (d) through (2) remain the same.
- (a) If the animal has been tagged or marked, a department designated agent must remove the official ear tags from the animal and all of the identification tags from the animal must be submitted to the department with a completed certificate of veterinary inspection. The department may allow the animal to be inspected at a location off of the game alternative livestock farm and transported in accordance to the procedures outlined in (3)(a).
- (b) remains the same.
- (3) ~~Game farm animals~~ Alternative livestock that are marketed for hunting purposes or an animal slaughtered on the ~~game alternative livestock~~ farm must be inspected by a department designated agent.
- (a) The ~~game farm animal~~ alternative livestock including but not limited to the carcass, parts or meat must be inspected prior to removal from the licensed game alternative livestock farm property unless:
 - (i) remains the same.
 - (ii) The department (Helena office) must give permission for the owner or owner's agent to move the animal from the game alternative livestock farm. A transport number or certificate of identification number will be given to the game alternative livestock farmer. This number must be listed on the bill of sale for the animal or other department specified form. The valid bill of sale for the animal or department approved form must accompany the animal to its destination.
 - (iii) Prior to the movement of the animal from the property, a department designated agent must be informed by the game alternative livestock farm licensee of the immediate destination of the animal. The department designated agent shall inspect the animal and retrieve the identification tags from the animal. All identification tags, bill of sale (or other approved form) and completed certificate of veterinary inspection must be submitted to the department within 5 days of completion of the inspection.
- (b) If a department designated agent is present on the licensed game alternative livestock farm at the time of the hunt or slaughter, the department will waive the requirement to inform the Helena office and the inspection of the animal pursuant to 87-4-416, MCA, must be completed prior to movement of the animal carcass, meat or parts from the game alternative livestock farm.
- (4) remains the same.
- (a) Transfer of ownership of ~~game farm animals~~ alternative livestock must meet all of the requirements of ARM 32.18.106. The valid bill of sale must bear the signature of one of the recorded owner(s) of the recorded whole herd mark or his assigns.
- (b) remains the same.

(c) A copy of the bill of sale must be kept in records maintained by the ~~game~~ alternative livestock farm licensee.

(5) The ~~game~~ alternative livestock farm licensee shall present ~~game farm animals~~ alternative livestock for inspection under conditions where the designated agent for the department can safely read all marks and identification on the animals.

(6) The inspection shall permit the movement of the ~~game farm animals~~ alternative livestock from the place of inspection immediately to the destination shown on the inspection certificate. No diversion or off-loading of the ~~game farm animals~~ alternative livestock will be permitted without approval from the department and further inspection. A certificate of inspection shall permit the movement of the ~~game farm animals~~ alternative livestock identified thereon for no more than 72 hours after time of issue.

(7) remains the same.

32.4.302 INSPECTION OF ~~GAME FARM ANIMALS~~ ALTERNATIVE LIVESTOCK AND INTERNAL FACILITIES (1) An authorized agent of the department may enter the ~~game~~ alternative livestock farm and conduct an inspection of the internal facilities and/or animals under the following conditions:

(a) For routine inspection purposes, after contacting the owner/manager of a licensed ~~game~~ alternative livestock farm, an authorized agent of the department may enter at reasonable times on the ~~game~~ alternative livestock farm to inspect the ~~game farm animals~~ alternative livestock and the internal facilities.

(b) If the department has reasonable cause to believe that a violation of Title 87, chapter 4, Title 81, chapter 3, MCA, or any rule made under the authority of 87-4-422, MCA, has occurred, an unannounced inspection of the ~~game~~ alternative livestock farm internal facilities and/or animals may be conducted.

(c) Upon request, the ~~game~~ alternative livestock farm licensee shall present the ~~game farm animals~~ alternative livestock for inspection under the conditions required by ARM 32.4.301.

(d) The ~~game~~ alternative livestock farm licensee is responsible for assembling, handling, and restraining animals and for all subsequent costs incurred to present the animals for inspection.

(2) The department may require the inspection of an escaped, recaptured ~~game farm animal~~ alternative livestock.

32.4.401 CHANGE OF OWNERSHIP TESTING REQUIREMENTS FOR ~~GAME FARM ANIMALS~~ ALTERNATIVE LIVESTOCK (1) Prior to a change of ownership, movement, transfer, or sale of ~~game farm animals~~ alternative livestock within Montana, the animals must meet all testing requirements mandated by the state veterinarian under ARM Title 32, chapter 3, subchapters 4 and 6.

(2) The department may waive change of ownership and transportation testing requirements of ~~game farm animals~~ alternative livestock consigned for sale as shooters and/or slaughter on the immediate ~~game~~ alternative livestock farm premises, or consigned to an out-of-state destination with the following conditions:

(a) and (b) remain the same.

32.4.402 ELK-RED DEER HYBRIDIZATION TESTS (1) and (2) remain the same.

(3) The licensee shall test all elk born between January 1, 2000 and December 31, 2001 for elk-red deer hybridization by January 1 of the year following the year of birth or when the animal is sold or transported from the ~~game~~-alternative livestock farm, whichever comes first.

(4) remains the same.

(5) The elk-red deer hybrid test procedures for all ~~game~~-alternative livestock farm elk is as follows:

(a) Blood samples must be drawn and submitted by an ~~designated~~ alternative livestock veterinarian.

(5)(b) through (6) remain the same.

32.4.403 REQUIREMENTS FOR ~~GAME FARM ANIMAL~~ ALTERNATIVE LIVESTOCK GAMETES (OVA AND SEMEN) AND EMBRYOS (1) The use of semen within the state of Montana and the import of semen into the state, for artificial insemination of ~~game farm animals~~-alternative livestock must meet all of the requirements of 81-2-403, MCA, rules promulgated under the authority of 81-2-402, MCA and any order of the state veterinarian.

(2) The sale and importation of gametes and embryos in the state of Montana must meet the requirements for the sale and transfer of ~~game farm animals~~-alternative livestock, which include, but are not limited to:

(a) through (c) remain the same.

32.4.404 REQUIREMENTS FOR ESCAPED, RECAPTURED ~~GAME FARM ANIMALS~~ ALTERNATIVE LIVESTOCK (1) The state veterinarian may require disease testing of an escaped, recaptured ~~game farm animal~~-alternative livestock prior to reintroduction to the herd.

32.4.501 POSSESSION OF RESTRICTED OR PROHIBITED ~~GAME FARM ANIMALS~~ ALTERNATIVE LIVESTOCK (1) remains the same.

(2) The transportation or disposition of any restricted or prohibited species must meet all department testing, transportation, sale, slaughter and inspection requirements for ~~game farm animals~~-alternative livestock.

(3) and (4) remain the same.

32.4.502 IMPORTATION OF RESTRICTED OR PROHIBITED ~~GAME FARM ANIMALS~~ ALTERNATIVE LIVESTOCK (1) The department has designated the following ~~game farm animals~~-alternative livestock as "restricted species" on the basis of specific animal health risks that they pose to wildlife and/or domestic livestock:

(a) through (b) (ii) remain the same.

(c) Wild or captive elk, mule deer and whitetail deer may not be imported or transported from a geographic area or ~~game~~-alternative livestock farm where chronic wasting disease is endemic or has been diagnosed unless they meet all importation requirements, transportation requirements and any other requirements mandated by

statute, rule or order of the state veterinarian under the authority of Title 81, chapter 2, MCA.

(2) through (2) (iii) remain the same.

(3) The department shall restrict from importation for purposes of ~~game~~ alternative livestock farming any cloven hoofed ungulate species or subspecies and their hybrids with native species that have been classified by the Department of Fish, Wildlife and Parks under the authority of 87-4-424, MCA, as posing a threat to native wildlife or livestock.

(4) remains the same.

32.4.601 IMPORTATION OF GAME FARM ANIMALS-ALTERNATIVE LIVESTOCK (1) ~~Game farm animals~~ Alternative livestock imported into Montana must meet all requirements of ARM Title 32, chapter 3, subchapter 2, Title 81, chapter 2, part 7, MCA, and any other orders issued by the department under the authority of 81-2-102, MCA.

(2) remains the same.

(3) Animals must be consigned to an ~~game~~ alternative livestock farm licensee. The ~~game~~ alternative livestock farm licensee must have a valid license for the species being imported.

(4) ~~Game farm animals~~ Alternative livestock shall be accompanied by an official health certificate and a permit, which must be attached to the waybill or be in the possession of the driver of the vehicle or person in charge of the animals. When a single health certificate and/or permit is issued for animals being moved in more than one vehicle, the driver of each vehicle shall have in his/her possession a copy of the health certificate or permit.

(a) The official health certificate must meet all of the requirements of ARM 32.3.206 and the accredited veterinarian issuing the health certificate must certify that the following conditions are true:

(i) remains the same.

(ii) The accredited veterinarian issuing the health certificate shall assess the herd of origin and determine if the ~~game farm animals~~ alternative livestock have been infected by or exposed to Mycobacterium paratuberculosis (Johne's disease). A statement summarizing his findings shall be included on the health certificate. No animal exposed to or infected with M. paratuberculosis may be imported;

(iii) through (b)(C) remain the same.

(D) the ~~final game~~ alternative livestock farm destination; and

(E) through (5) remain the same.

(6) Prior to shipment, all ~~game farm animals~~ alternative livestock with the exclusion of omnivores and carnivores must be marked with a USDA official ear tag or its Canadian equivalent called an H of A tag.

(7) All ~~game farm animals~~ alternative livestock must be quarantined upon arrival in Montana until all testing requirements have been met and the animal is tagged and marked as required by 87-4-414 and 81-3-102, MCA.

(8) No person consigning, transporting, or receiving ~~game farm animals~~ alternative livestock into Montana may authorize, order or carry out diversion of such

animals to a destination or consignee other than set forth on the health certificate or permit without first obtaining written authorization from the state veterinarian of Montana or his designee to make such a diversion.

(9) remains the same.

(10) Importation of ~~game farm animal~~ alternative livestock semen must meet the applicable requirements of ARM 32.2.220.

32.4.602 EXPORTATION OF ~~GAME FARM ANIMALS~~ ALTERNATIVE LIVESTOCK (1) Any ~~game farm animal~~ alternative livestock exported must be tagged and marked in compliance with 81-3-102(2) and 87-4-414, MCA.

(2) The animal must meet the inspection requirements for change of ownership and movement of game farm animals prior to movement from the ~~game~~ alternative livestock farm in accordance to ARM 32.4.301.

(3) remains the same.

32.4.701 TRANSPORT WITHIN AND INTO MONTANA (1) Prior to movement of ~~game farm animals~~ alternative livestock within Montana, the animals must be inspected pursuant to 81-3-203(1) through (3), MCA, excluding those exceptions outlined in ARM 32.3.301.

(2) When transporting ~~game farm animals~~ alternative livestock within and into Montana, the animal shipment shall be accompanied by the inspection certificate and if a change of ownership has occurred, a valid bill of sale must accompany the shipment. If the animals are moved in more than one vehicle, the driver of each vehicle shall have in his possession a copy of the inspection certificate and bill of sale.

(3) remains the same.

(4) Movement of ~~game farm animals~~ alternative livestock must be in a secured and enclosed vehicle.

(5) Movement of ~~game farm animals~~ alternative livestock from ~~game~~ alternative livestock farm property to ~~game~~ alternative livestock farm property under one license must be within a secured and enclosed vehicle unless the following conditions have been met:

(a) remains the same.

(b) the ~~game~~ alternative livestock farm licensee must submit to the department for review and approval a proposed alternative method of transportation or movement of animals between separated properties. This shall include but is not limited to the movement of animals from pasture to pasture across public or private roads, easements and rights of way.

32.4.702 TRANSPORT THROUGH MONTANA (1) ~~Game farm animals~~ Alternative livestock may be transported from out of the state through Montana if:

(a) remains the same.

(b) an official health certificate is obtained from the state of origin to show destination, origin, and proof of ownership of any ~~game farm animals~~ alternative livestock being transported;

(c) remains the same.

(d) in emergencies, ~~game farm animals~~ alternative livestock in transit are

unloaded and temporarily held with prior approval from the department (Helena office). Animals must be held in compliance with quarantine rules promulgated by the department.

32.4.801 CATCH PEN AND HANDLING DEVICE (1) All ~~game~~alternative livestock farm licensees must have a catch pen and a handling device that enables the licensee to test, inspect, mark and tag all ~~game farm animals~~alternative livestock on the premises.

(2) A permanent or portable handling device must be on the ~~game~~alternative livestock farm at all times. The handling device must be of a size appropriate for the species of animal and must provide for the safety of the animal and the handler.

(3) Each licensed ~~game~~alternative livestock farm property must have a catch pen within the perimeter fencing to facilitate the confinement, handling and movement of animals. ~~Game~~Alternative livestock farm properties with a physical separation distance between pastures are required to maintain a catch pen in each pasture.

32.4.802 QUARANTINE FACILITY (1) Each licensed ~~game~~alternative livestock farm must have a department approved quarantine facility within its perimeter fence or submit a quarantine action plan to the department that guarantees the licensee unlimited access to an approved quarantine facility on another licensed ~~game~~alternative livestock farm within the state of Montana.

(2) A ~~game~~alternative livestock farm license or the approval for expansion of the ~~game~~alternative livestock farm shall not be granted by the Department of Fish, Wildlife and Parks until the license applicant receives department approval of the quarantine facility and handling facilities.

(3) The applicant for a ~~game~~alternative livestock farm license shall submit the following to the department and Department of Fish, Wildlife and Parks at the time the application (or application for an expansion) for the ~~game~~alternative livestock farm license is submitted to the Department of Fish, Wildlife and Parks:

(a) design plans for the applicant's ~~game~~alternative livestock farm catch pen and handling facilities required under ARM 32.4.801;

(b) detailed design specifications for a quarantine facility on the property owned or leased by the applicant and identified on the ~~game~~alternative livestock farm license application; or

(c) a quarantine plan for the quarantine of animals at an approved quarantine facility located on another ~~licensed~~alternative livestock game farm (host). This plan must include:

(i) remains the same.

(ii) a signed statement from the ~~game~~alternative livestock farm licensee (host) who is allowing the applicant unrestricted use of his quarantine facility. This statement must define the period of time for which the applicant/licensee has permission to use the quarantine facility; and

(iii) if the ~~game~~alternative livestock farm licensee (host) revokes the privilege to use his quarantine facility, or if the privilege is consensual for a defined period of time which has expired, the applicant/licensee has 30 days to design his own

facilities and submit the plans to the department for approval. The applicant/licensee must construct the facility within 90 days of department approval of the plans.

(4) Design specifications for a quarantine facility shall include all measured dimensions of the proposed facility (heights and perimeters) and shall include the location and materials for fences, location of any shelters, feeding or water sources, location of the quarantine facility within the licensed ~~game~~alternative livestock farm property, streams, slopes of property, gates, and access to holding facilities. The specifications for a quarantine facility must meet the following:

(4)(a) through (c)(i) remain the same.

(ii) fecal wastes and water must not drain from the quarantine pen to any other pens or area of the ~~game~~alternative livestock farm, or into an area outside the ~~game~~alternative livestock farm where wildlife, animals, livestock or people could come into contact with such wastes. The department may require additional measures be implemented to prevent run off from the quarantine pen into state waters; and

(iii) through (6) remain the same.

32.4.901 IMPOSITION OF QUARANTINE (1) Imported ~~game farm animals~~alternative livestock shall be placed under quarantine until:

(a) and (b) remain the same.

(2) Any animals placed in quarantine shall be immediately presented by the licensee to the department for testing and/or inspection upon request. Failure to present animals may be interpreted as the negligent or willful misconduct of the ~~game~~alternative livestock farm operation and also a threat to the public safety.

(3) remains the same.

(a) the required testing for exposed and infected ~~game farm animals~~alternative livestock placed under quarantine and any testing required for other animals on the ~~game~~alternative livestock farm and adjacent properties;

(b) and (c) remain the same.

(d) disposal of animals wastes and carcasses on the ~~game~~alternative livestock farm property; and

(e) any other measures deemed necessary for the elimination of disease on the ~~game~~alternative livestock farm.

(4) The disposal of tuberculosis infected ~~game farm animals~~alternative livestock as determined by physical examination or tuberculin test must meet all requirements of ARM Title 32, chapter 3 and 6 and orders by the state veterinarian.

32.4.1001 DUTY TO REPORT CONTAGIOUS DISEASES (1) Any person, including a ~~game farm~~alternative livestock licensee who has reason to believe that ~~game farm animals~~alternative livestock have or have been exposed to a dangerous or communicable disease, must give notice to the department immediately.

.4.1301

32.4.1301 DEFINITIONS In this subchapter, the following terms have the meanings or interpretations indicated below and must be used in conjunction with

and supplemental to those definitions contained in 87-4-406, MCA, ARM 32.4.101, and any subsequent department rule or order.

(1) remains the same.

(2) "Cervidae or cervid" means all members of the Cervidae family including deer, elk, moose, caribou, reindeer and related species and hybrids thereof. Cervidae includes wild cervids, those animals on game-alternative livestock farms, and those animals owned by zoos and other public or private captive facilities not licensed as game-alternative livestock farms.

(3) through (7) remain the same.

(8) "CWD monitored cervid herd" means a herd of game-alternative livestock farm cervids that has complied with the CWD surveillance requirements outlined in ARM 32.4.1302.

(9) "CWD monitored herd status" means a designation made by the department that indicates the number of years a game-alternative livestock farm cervid herd has complied with CWD surveillance criteria.

(10) and (17) remain the same.

32.4.1302 REQUIREMENTS FOR MANDATORY SURVEILLANCE OF MONTANA GAME-ALTERNATIVE LIVESTOCK FARM CERVIDAE FOR CHRONIC WASTING DISEASE

(1) The licensee must present his entire herd annually for inspection by a designated agent of the department. The department will verify each game-alternative livestock farm animal's identification and the game farm animal inventory must reconcile with the department's records.

(2) The licensee must report all game farm animal-alternative livestock deaths to the department (Helena office) within 1 day of the discovery of death as required by 87-4-415, MCA.

(3) Upon the discovery of dead cervids, the licensee must immediately request an inspection of the game farm animal-alternative livestock as required by ARM 32.4.301. At the time of the inspection of the dead animal, the alternative livestock veterinarian shall remove the currently required tissue samples and/or specimens and submit them to a department approved laboratory for testing for chronic wasting disease (CWD).

(a) Tissue samples and/or specimens must be submitted from all CWD test eligible game-alternative livestock farm cervids unless a waiver to tissue sample and/or specimen submission has been granted by the state veterinarian in accordance to (3)(b).

(b) The state veterinarian may, at his discretion, grant a waiver to tissue sample and/or specimen submission from game-alternative livestock farm cervids if the following conditions are met:

(i) remains the same.

(ii) The animal for which a waiver is requested must have resided on the licensee's game-alternative livestock farm for 12 months or have resided in the herd from which it is transported for a period of 12 months.

(iii) remains the same.

(iv) The licensed game-alternative livestock farm must have no documented

cases of ingress of wild cervids or egress of ~~game farm animals~~ alternative livestock within the 18-month period immediately preceding the request for a waiver. If it is determined by the state veterinarian there has been no compromise in the surveillance status of the herd, this criteria may be waived in the application for a waiver to CWD surveillance.

(v) There have been no breaches in perimeter fence integrity that may have compromised the CWD surveillance status on the ~~game farm~~ alternative livestock herd.

(c) The state veterinarian may grant a waiver with stipulations that may include, but is not limited to, additional whole herd inspections. A waiver from CWD surveillance does not exempt the licensee from any other requirements for inspection or testing of ~~game farm animals~~ alternative livestock.

(d) remains the same.

(e) The licensee is responsible for all costs incurred for the examination of ~~game~~ alternative livestock farm cervids, the inspection services, the collection and submission of tissue sample and/or specimens, and the laboratory diagnostic costs.

(4) through (4)(c) remain the same.

(5) Any person having knowledge that a ~~game~~ alternative livestock farm cervid has been diagnosed as affected with CWD or exposed to CWD must report that knowledge to the department as required by ARM 32.4.1001. (History: Sec. 81-2-103, 87-4-422, MCA; IMP, 81-2-103, 87-4-422, MCA; NEW, 1999 MAR p. 652, Eff. 4/9/99.)

32.4.1303 ~~GAME~~ ALTERNATIVE LIVESTOCK FARM MONITORED HERD STATUS FOR CHRONIC WASTING DISEASE (1) The ~~game~~ alternative livestock farm cervid herd shall be assigned a monitored herd status by the department at the conclusion of each year of mandatory CWD surveillance as follows:

(a) through (c) remain the same.

32.4.1304 CHANGES IN MONITORED HERD STATUS FOLLOWING CERVID ADDITIONS TO AN ~~GAME FARM~~ ALTERNATIVE LIVESTOCK HERD

(1) through (1)(c) remain the same.

32.4.1309 IMPORT REQUIREMENTS FOR CERVIDS (1) All imported cervids, including wild cervids, ~~game~~ alternative livestock farm and publicly or privately owned captive animals, must meet the import requirements of ARM Title 32, chapter 3, subchapter 2, Title 81, chapter 2, part 7, MCA, ARM 32.4.601, and any other rules or orders issued by the department under the authority of 81-2-103, MCA.

(2) through (4) remain the same.

32.4.1311 MANAGEMENT OF ~~GAME FARM~~ ALTERNATIVE LIVESTOCK CERVID HERDS IDENTIFIED AS CWD TRACE HERDS (1) The requirements for the disposition of ~~game farm~~ alternative livestock cervid CWD trace herds is as follows:

(a) through (f) remain the same.

32.4.1312 MANAGEMENT OF GAME FARM ALTERNATIVE LIVESTOCK CERVID HERDS WITH AT LEAST ONE ANIMAL DIAGNOSED WITH CWD AND WITH LOW PROBABILITY OF CWD TRANSMISSION (1) through (1)(f) remain the same.

32.4.1313 MANAGEMENT OF GAME FARM ALTERNATIVE LIVESTOCK CERVID HERDS WITH AT LEAST ONE ANIMAL DIAGNOSED WITH CWD AND WITH THE PROBABILITY OF CWD TRANSMISSION (1) through (1)(f) remain the same.

32.4.1319 ENHANCEMENT OF TRACE BACK AND OBSERVATION CAPABILITIES (1) All high-risk animals shall be identified with a unique, easily read identification tag provided by the department. This identification may be in addition to the ~~game farm~~ alternative livestock identification required in 87-4-414, MCA and subsequent rules.

(2) remains the same.

32.4.1320 REQUIREMENTS FOR CAPTIVE CERVIDAE, OWNED BY OR IN THE POSSESSION OF ZOOS, INDIVIDUALS OR OTHER PUBLIC FACILITIES NOT LICENSED AS GAME ALTERNATIVE LIVESTOCK FARMS (1) The owner or manager of a public or privately owned zoo or confinement facility not licensed as an ~~game-alternative livestock~~ farm must comply with the requirements of ARM 32.4.1302 and ARM 32.4.1309.

32.15.203 VETERINARY INSPECTION FACILITIES (1) and (2) remain the same.

(3) Office space with adequate facilities for the deputy state veterinarian to make necessary tests and reports, keep necessary tests and reports, and keep necessary equipment and materials, must be provided by each livestock market.

32.15.208 DUTIES OF STATE APPOINTED MARKET VETERINARIANS

(1) A deputy state veterinarian provided at the expense of the livestock market, but authorized by the Montana Department of Livestock, Animal Health Division must inspect all livestock coming into livestock markets, make and keep records of the proper disposition of any animal showing evidence of disease or any animal condemned by the Montana Department of Livestock or the United States Department of Agriculture and determine the brucellosis status of all female cattle and bulls.

32.15.210 PERSONS AUTHORIZED TO TEST, VACCINATE OR ISSUE HEALTH CERTIFICATES The issuing of health certificates, necessary testing, and vaccinating may be done by either the veterinarian representing the Montana Department of Livestock, Animal Health Division, or by another ~~accredited~~ deputy state veterinarian.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to cmackay@mt.gov to be received no later than 5:00 p.m., ____, 2010.

6. If persons who are directly affected by the proposed actions wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. ____, 2010.

7. If the department receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed actions; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25, based upon the population of the state.

8. An electronic copy of this proposal notice is available through the department's web site at www.liv.mt.gov.

9. The Montana Department of Livestock maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the area of interest that the person wishes to receive notices regarding. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; faxed to (406) 444-1929 "attention Christian Mackay"; or e-mailed to cmackay@mt.gov. Request forms may also be completed at any rules hearing held by the department.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ George H. Harris
George H. Harris
Rule Reviewer

Certified to the Secretary of State ____, 2010

1st Draft